

SEP-02-2003 14:52 NIXON, PEABODY 10TH

585 263 1600 P.01

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FAX

To:	Company	Fax #:	Telephone #:
1) Examiner Nelson	U.S. Patent and Trademark Office	(703) 746-4993	
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INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: September 2, 2003	No. of Pages: 6 (including this page)	
Comments:			
Re: U.S. Patent Application Serial No. 09/597,840			
Examiner Nelson:			
Per your request, attached please find the Notice of Appeal we filed in the above-identified case on June 16, 2003. Also attached is a copy of the date-stamped returned postcard.			
Wendy L. Barry Secretary to Michael L. Goldman			

First Class Mail Overnight Mail Hand Delivery This transmission will be the only form of delivery of this document

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INTEROFFICE TO: Albany Boston Buffalo Garden City Hartford Manchester New York City
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1) Examiner Nelson	U.S. Patent and Trademark Office	(703) 746-4993	
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INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: September 2, 2003	No. of Pages: 6 (including this page)	Client/Matter: 19603/3340
User #: 1206	Ext: 1304	Disbursement Amount: \$	

UTILITY/DESIGN PATENT Date: 6/16/03

(amend/final amend) Date of O.A.: 12/17/07

Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon

via Certificate of Mail:

Case # 19603/3340 SN: 180387840 Filed: JUNE 20, 2000

Pat. # 6,593,840 Issued: 10/16/03

Examiner: A. Kubelik Art Unit: 1638

Batch: JUN 18 2003 Satty: A. Coons /ives

Applicant: Cui et al.

Title: ENHANCEMENT OF GROWTH IN PLANTS

Re-Exam Control # 19603/3340

VERIFIED BY: Asst: JAW Quality Control: _____

Transmittal Sheet in duplicate Amendment in _____ pgs.

Notice of Appeal and Change of Address

Mo. Ext. Time in dupc. Small Entity Statement

Request for Drawing Changes Assignment in _____ pgs.

_____ pgs. Drawings Check for Assign. \$ _____ Check for Assig.

\$1250.00 Check for Amend. 3 mons \$ _____ Check for Assig.

Issue Per Trans. in duplicate Extension _____ Issue Per/Soft Copies

Information Disclosure Statement; PTO-1449 in duplicate with _____ Reference(s)

Fee Transmittal

Notification Regarding Loss of Entitlement to Small Entity Status Pursuant to 37 C.F.R. 1.28(b)

RECEIVED

JUN 25 2003

Nixon Peabody LLP

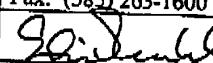
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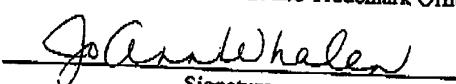
JUN 25 2003

FILE 19603/3340
DCT JLC

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/597,840
Total Number of Pages in This Submission 4	Filing Date June 20, 2000	
	First Named Inventor Dewen Qiu	
	Group Art Unit 1638	
	Examiner Name A. Kubelik	
	Attorney Docket Number 19603/3340 (CRF D-2018B)	

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Notification Regarding Loss of Entitlement to Small Entity Status Pursuant to 37 C.F.R. § 1.28(b)
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edwin V. Merkel Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128 Fax: (585) 263-1600
Signature	
Date	June 16, 2003
	Registration No. 40,087

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<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____	
<u>June 16, 2003</u> Date	
 Signature Jo Ann Whalen Typed or printed name	

FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$1,250)

Complete if Known	
Application Number	09/597,840
Filing Date	June 20, 2000
First Named Inventor	Dewen Qiu
Examiner Name	A. Kubelik
Art Unit	1638
Attorney Docket No.	19603/3340 (CRF D-2018B)

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **14-1138**

Deposit Account Name **Nixon Peabody LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X []	= 0
Independent Claims	-3** =	X []	= 0
Multiple Dependent		X []	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	930
1252 410	2252 205	Extension for reply within second month	320
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 710	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,250)

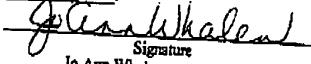
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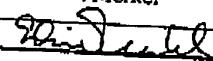
June 16, 2003



Jo Ann Whalen

Typed or printed name

SUBMITTED BY

Name (Print/Type) **Edwin V. Merkel**Signature 

Registration No. (Attorney/Agent)

40,087

Complete (if applicable)

Telephone (585) 263-1128

Date

June 16, 2003

PATENT
Docket No.: 19603/3340 (CRF D-2018B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Qiu et al.)	Examiner:
Serial No.	: 09/597,840)	A. Kubelik
Cnfrm. No.	: 6516)	Art Unit:
Filed	: June 20, 2000)	1638
For	: ENHANCEMENT OF GROWTH IN PLANTS)	

**NOTIFICATION REGARDING LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.28(b)**

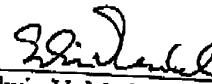
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Commissioner for Patents
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Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby advise the U.S. Patent and Trademark Office that as of November 4, 2002, the above-identified application was licensed to a large entity. Pursuant to 37 CFR § 1.28(b), it is therefore requested that the small entity status accorded to the present application be withdrawn and that this application be given large entity status. No fee deficiencies are owed.

Respectfully submitted,

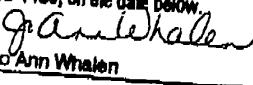
Date: June 16, 2003


Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
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Rochester, New York 14603-1051
Telephone: (585) 263-1128
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Alexandria, VA 22313-1450, on the date below.

June 16, 2003 | 
Date | Jo Ann Whalen